

ORDINANCE NO. 20100225-039

AN ORDINANCE ADOPTING A REGULATORY PLAN FOR AN AREA ANNEXED FOR LIMITED PURPOSES, REFERRED TO AS THE "MOORE'S CROSSING – LINDA VISTA ANNEXATION AREA."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

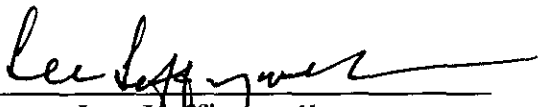
PART 1. The Council finds that:

- (A) The area referred to as the Moore's Crossing – Linda Vista Area is being annexed by Ordinance No. 20100225-038, for the limited purposes of planning and zoning, and a Planning Study and Regulatory Plan for the area were prepared as required by state law.
- (B) The Regulatory Plan included in Exhibit A attached to this ordinance serves the public health, safety and welfare, and the interests of the current and future residents of the City of Austin.

PART 2. The Regulatory Plan included in Exhibit A attached to this ordinance is approved as the Regulatory Plan for the Moore's Crossing – Linda Vista limited purpose annexation area.

PART 3. This ordinance takes effect on March 8, 2010.

PASSED AND APPROVED

February 25, 2010 §
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 § 
 Lee Leffingwell
 Mayor

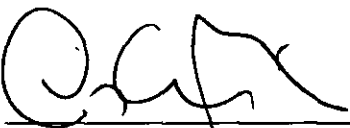
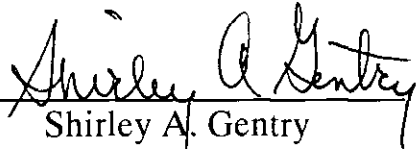
APPROVED:  **ATTEST:** 
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk

EXHIBIT A



Moore's Crossing – Linda Vista Area

Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background

On October 30, 2009, William Gurasich, representing SR Development, Inc. and TSWG 130 Inc., owners of two tracts, totaling approximately 34 acres, requested that the property be annexed by the City of Austin for limited purposes in accordance with Section 43.123 of the Texas Local Government Code. In addition and pursuant to Section 43.127 of the Texas Local Government Code, the owners waived the requirement for conversion to full purpose status.

On December 17, 2009 the City consented to the annexation of these tracts into the Moore's Crossing MUD. Moore's Crossing MUD is in the City's limited purpose jurisdiction.

Area Description

The proposed annexation area includes approximately 34 acres in southern Travis County east of FM 973 at the southeast corner of the intersection of FM 973 and Burleson Road and east of the intersection of FM 973 and Linda Vista Drive. This area is currently in the city's extraterritorial jurisdiction (ETJ) and is adjacent to the city's limited purpose jurisdiction on the west side. The property is currently undeveloped and proposed future development includes commercial land uses.

Projected Ten Year Development With and Without Annexation

Given market forces, it is reasonable to assume that development of approximately same density and intensity of use will be built on the tract irrespective of the tract's jurisdictional status. If annexed, the property will

be developed in accordance with the City's zoning and site development standards.

Issues Supporting Annexation

With the exception of this area, Moore's Crossing MUD is in the City's limited purpose jurisdiction. The proposed limited purpose annexation will eliminate the possibility of jurisdictional confusion and will extend City zoning and development standards to the property.

Public Benefit from the Annexation

Limited purpose annexation and the application of zoning and City development standards will result in higher quality development than would otherwise occur.

The Economic, Environmental and other Impacts of the Proposed Annexation on Residents, Landowners, and Businesses in the Proposed Annexation Area

Currently there are no residents or business activity in the proposed annexation area. The proposed limited purpose annexation and future conversion to full purpose status will be of economic advantage to landowners within the area through the establishment of land use controls and building standards not otherwise available.

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Moore's Crossing – Linda Vista Area by requiring higher quality development than would otherwise occur.

The proposed limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with the City's zoning and Title 30 development standards.

Proposed Zoning for the Area

The area will be zoned in accordance with the procedures required by state law and Title 25 of the Code of the City of Austin (the Land Development Code).

From the effective date of the limited purpose annexation until the property is zoned, the area will be treated for development purposes in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code.

Comments regarding the proposed zoning will be considered at the public hearings for the proposed limited purpose annexation.

Regulatory Plan

Development Regulations

Annexation of the area for the limited purposes of planning and zoning will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the area. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development Code including Title 30 Austin/Travis County Subdivision Regulations and related technical manuals, and all rules adopted pursuant thereto.

Future Full Purpose Annexation

Pursuant to Section 43.127 of the Texas Local Government Code, the owners have waived the statutory requirement that the property be annexed for full purposes within three years of the effective date of limited purpose annexation. Conversion to full purpose status will occur in accordance with applicable provisions of State law and the City Charter.